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INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-first year

Letter dated 2 July 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to request that the letter attached hereto, transmitted to Mr. Assad Kotaite, President of the Council of the International Civil Aviation Organization (ICAO), by Mr. Ricardo Alarcón de Quesada, Head of the Delegation of the Republic of Cuba to the Council meetings held in Montreal on 26 and 27 June 1996, be circulated as a document (see annex) of the General Assembly under item 140 of the agenda for the fiftieth session, and of the Security Council.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative

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ANNEX

[Original: Spanish]

Letter dated 2 July 1996 from the Head of the Delegation of Cuba to the meetings of the Council of the International Civil Aviation Organization, held in Montreal on 26 and 27 June 1996, addressed to the President of the Council

Pursuant to the provisions of paragraph 9 of the resolution adopted by the ICAO Council on 27 June 1996, which requests the contracting States to notify the Council of any violation of the rules set forth in the Convention on International Civil Aviation, I have the honour to inform you of the following.

On 25 June 1996, at 9.24 a.m., the radar system of the Republic of Cuba detected an unidentified aircraft operating in the Havana flight information region (Havana FIR) without making contact with the Havana Air Traffic Control Centre (Havana ATC).

At 10.47 a.m. Havana ATC routed a message to Miami ATC, reporting the presence of the aforesaid aircraft in the Republic of Cuba's FIR, and requesting "any available information on this flight". In its message, Havana ATC listed the coordinates, speed, heading, SSR code and point of origin of the aircraft. At 1.15 p.m., an answer was received, stating that what was involved was a "United States Government aircraft operating [with] due regard".

At 1.03 p.m., an American Airlines Boeing 747 aircraft, Flight No. AAL 2188, en route from Guatemala to Miami, was forced to depart from its route in order to avoid the danger of approaching the United States Government aircraft. At 1.06 p.m., a Boeing 767 aircraft belonging to Transporte Aéreo Internacional Salvadoreño, Flight No. TAI 310, en route from San Salvador to Miami, had to be rerouted by Cuban air traffic controllers in order to separate it from the United States aircraft, which was violating established air traffic norms and regulations.

At 4.28 p.m., a message reporting these events was routed to Miami ATC by Havana ATC. In this message, Havana ATC stated clearly that it was necessary to "coordinate these types of flights in order to avoid any incident or accident".

In the light of the foregoing, there can be no doubt that the event in question endangered civil air navigation in the region. It was not, however, a random event. During the first half of 1996 alone, six similar incidents have occurred, four of which have posed a danger to American Airlines aircraft.

In view of this new incident, we believe that it is essential to draw the attention of ICAO, and particularly of its Council, to the danger which such flights represent to the safety of air navigation and the need to prevent an air disaster in the region.

We hope that ICAO will take the necessary steps to prevent further violations of international and Cuban norms and regulations that have been enacted to ensure the orderly and safe flow of civil aviation.

I am enclosing herewith a copy of the messages exchanged by Havana ATC and Miami ATC (see appendix).

(Signed) Ricardo ALARCÓN DE QUESADA
Head of the Delegation of Cuba to
the ICAO Council meetings held on
26 and 27 June 1996

APPENDIX

[Original: English]

Text of an exchange of messages between Air Traffic Control Havana and Air Traffic Control Miami on 25 June 1996

1. Message sent at 1047 hours by Air Traffic Control Havana to Air Traffic Control Miami

At 1445 UTC 960625 we detected an unknown aircraft in the vicinity of coordinates 2310N/7800W speed 330 knots heading 100 degrees SSR code 6110 apparently proceeding from your FIR.

Request please any available information on this flight.

We appreciate your cooperation.

Thanks.

2. Reply sent at 1315 hours by Air Traffic Control Miami to Air Traffic Control Havana

Aircraft is US Government aircraft operating due regard.

3. Message sent at 1628 hours by Air Traffic Control Havana to Air Traffic Control Miami

For your information an aircraft with SSR 6110 as we know US Government aircraft due regard was flying south of 24N within Havana FIR crossing the routes B646 G765 and G448 from east to west and vice versa STOP That aircraft had no contact with Havana ATC STOP At 1715 crossed the route G765 about 40 nautical miles south-west of maximum and 10 nautical miles ahead of TA1310 B767 flying G765 northbound at FL370 STOP Pilot request was needed to deviate the TA1310 to avoid the AT TA1310 US Government aircraft STOP Cuban controllers had to separate other aircraft from the US flight STOP Is necessary coordinate this type of flight to avoid any incident or accident END